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IN REPLY REFER TO:

S72 (WCP 2623)

May 31, 2005

Memorandum

To: Associate Directors of Administration,
Harpers Ferry and Denver Service Centers Administration
Attention: Contracting, Agreement and Procurement Personnel

From: Manager, Washington Contracting and Procurement

Subject: Updates to the Agreement Handbook
Agreement Handbook Memorandum Number 2

This memorandum is the second in a series that will transmit changes to the NPS Agreements Handbook, Version 6, dated October 1, 2002.

All changes will be dated on the top of each changed page until all changes are complete. At that time, the Handbook will be reissued under a new version number and date. Subsequent changes (Memoranda) will be based on the Handbook as changed by the last Memorandum. Changes will immediately be incorporated in the Handbook posted on the website.

This Memorandum Number 2 changes the Table of Contents with Attachments, Chapters 2 through 9, and Appendices B and E of the Handbook, as follows:

1. Chapter 2, Page 3, Number 3, *16 U.S.C. § 1a-2(l)*

Discussion:

The length of an extension of time for an assignment arranged by the NPS under Section 3372 of Title 5 was not specified.

Added:

The period of time for this extension is added by inserting the phrase “up to four years as” in the third paragraph under the 16 U.S.C. § 1a-2(l) authority.

2. Chapter 2, Page 3, Number 4, *16 U.S.C. §1f*

Discussion:

This is the authority to enter into a cooperative agreement under the Challenge-Cost Share Program; however, to make it clearer instead of saying this at the end of the paragraph, it was moved to the beginning of the paragraph.

3. Chapter 2, Pages 4 and 5, Numbers 11 and 15, *16 U.S.C. §470a(j)(2)(C)* and *16 U.S.C. §1723(c)*

Discussion:

Two new authorities are added and the authorities from 11 to 18 are renumbered.

Added:

- “11. **16 U.S.C. §470a(j)(2)(C), National Historic Preservation Act**, authorizes the Secretary to develop and implement a comprehensive preservation education and training program whereby technical or financial assistance, or both, shall be provided to historically black colleges and universities, to tribal colleges, and to colleges with a high enrollment of Native Americans or Native Hawaiians.
15. **16 U.S.C. §1723(c), Public Lands Corps**, authorizes the Secretary to enter into contracts and cooperative agreements with any qualified youth or conservation corps to perform appropriate conservation projects referred to in subsection (d) of section 1723. The Secretary may also authorize appropriate conservation projects and other appropriate projects to be carried out on Federal, State, local, or private lands as part of disaster prevention or relief efforts in response to an emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).”
4. Chapter 3, Page 9, Number 2, **The Federal Financial Assistance Management Act of 1999**

Discussion:

Reference to *Public Law 106-107*, The Federal Financial Assistance Management Act of 1999 is added and the former Paragraph 2 becomes 3.

Added:

Federal Financial Assistance Management Act of 1999

“The Federal Financial Assistance Management Act of 1999 (P.L. 106-107) directs the Office of Management and Budget (OMB) and executive branch agencies to simplify and consolidate requirements and procedures for the receipt and administration of financial assistance. Federal financial assistance includes grants, cooperative agreements, loans, loan guarantees, scholarships, and other forms of assistance.”

5. Chapter 3, Pages 10 through 16, Paragraph 3.2, **Definitions**

A. Page 10, Number 3, Approving Official

Discussion:

The definition of Approving Official is expanded to add an additional sentence.

Added:

“This individual is the contracting officer or the delegated key official.”

B. Page 10, Number 5, Catalog of Federal Domestic Assistance

Discussion:

A website reference is added for the Catalog of Federal Domestic Assistance.

Added:

“(www.cfda.gov)”

C. Page 10, Number 6, Challenge Cost-Share Agreement

Discussion:

An SF-424 is required for a Challenge Cost-Share Agreement and this requirement is added.

Added:

“An SF-424 is also required.”

D. Page 10, Number 7, Challenge Cost-Share Program

Discussion:

The definition of the Challenge Cost-Share Program is clarified and expanded. A new definition is added.

Added:

“Challenge Cost-Share Program (CCSP) – A program established in 1993, seeks to support increased participation by neighboring communities and qualified partners in the preservation and improvement of National Park Service natural, cultural, and recreational resources; and in all other authorized Service programs and activities-- both outside or inside park lands, and on national trails as defined under the National Trails System Act (*16 U.S.C. §1241-51*). The maximum Federal share for Regular Projects and National Trails System Projects is \$30,000. The maximum Federal share for Lewis and Clark Projects is \$250,000. An equal amount of eligible and allowable matching share of cash, goods, or services from non-Federal sources is required. See Chapter 8 of the NPS Agreements Handbook.”

Deleted:

“Challenge Cost-Share Program – A program established in 1993 so that the NPS could increase participation by neighboring communities, volunteer groups, universities, and others to preserve natural, recreation, and cultural resources for which the NPS is responsible. Through “small dollar” projects—a maximum \$30,000 federal share—with a required “match” of non-federal cash or in-kind services, mutually beneficial projects related to the NPS mission are carried out jointly by partners.”

E. Page 10, Number 8, Common Rule

Discussion:

The definition for Common Rule is added and definitions 9 through 43 are renumbered.

Added:

“8. **Common Rule** - A term sometimes used for OMB Circulars A-102 and A-110, as codified by DOI at *43 CFR 12*, Subpart C.”

F. Page 12, Number 16, Expenditure Report

Discussion:

SF-272 - Federal Cash Transaction Report is required as part of the expenditure report. This requirement is added to the definition.

Added:

“Standard Form 272 - Federal Cash Transaction Report is required for this purpose.”

G. Chapter 3, Page 12, New Number 21, Grants.gov

Discussion:

Grants.gov is added and defined.

Added:

“21. **Grants.gov** – This is a government web portal for use in electronic collection of data, managed by the Department of Health and Human Services, which allows organizations to electronically locate and apply for competitive opportunities from all Federal grant-making agencies. Grants.gov is the single access point for over 900 grant programs offered by the 26 Federal grant-making agencies.”

H. Chapter 3, Page 13, Number 23, Interagency Acquisition Agreement

Discussion:

Reference to the FAR and DIAR are added to the end of the Interagency Acquisition Agreement definition.

Added:

“They are governed by FAR Part 17.5 and DIAR Part 1417.5.”

I. Chapter 3, Page 14, Number 34, Procurement Desktop

Discussion:

The acronym for Procurement Desktop is added to the end of this definition.

Added:

The phrase “also known as IDEAS” is added.

6. Chapter 3, Page 16, Paragraph 3.3, **Acronyms**, New Number 10

Discussion:

The following acronym is added to the list of acronyms used throughout the handbook.

Added:

“IDEAS Interior Department Electronic Acquisition System”

7. Chapter 4, Paragraph 4.4, **Essential Elements of a Cooperative Agreement**

- A. Page 49, Number 4, Statement of Substantial Involvement

Discussion:

The Statement of Substantial Involvement is expanded to identify where in an agreement the substantial involvement should be included. A new sentence was added.

Added:

“Substantial involvement should be described in either the background and objectives or the statement of work and not as a separate article.”

- B. Page 50, Number 7, Key Official

Discussion:

Prior to being designated as a key official on a cooperative agreement, a minimum of 24 hours of mandatory cooperative agreement training is required. The date for the completion of the key official training is deleted.

The NPS is no longer planning to develop a training curriculum for this course. This is currently being done by a Governmentwide workgroup. In the interim, there are training courses offered by both Northwest Procurement Institute, Inc. (NPI) and Management Concepts, Inc. (MCI).

Added:

“Prior to being designated as a key official on a cooperative agreement, a minimum of 24 hours of mandatory cooperative agreement training is required.”

Deleted:

“National Park Service key officials must have 24 hours of agreements training on or before October 2004 in order to administer an agreement and”

C. Page 50, Number 10, Reports and/or Deliverables

Discussion:

The types of reports required are added.

Added:

“Include both performance and financial reporting.”

D. Page 50, Number 16, Obligation

Discussion:

The requirement for an Agreement Information Sheet is deleted.

Deleted:

The phrase “and completed “Agreement Information Sheet” (Attachment 4.14)” in the fourth line is deleted.

E. Page 51, Number 17, Receipt of Funds

Discussion:

The requirement for an e-mail notification to AOC is added.

Added:

“An e-mail notification should be sent to AOC.”

8. Chapter 4, Page 51, Paragraph 4.5, **Payment**

A. Page 51, Paragraph 1, Registration in CCR

Discussion:

Cooperators must register in CCR and Dun and Bradstreet. A Data Universal Number (DUNS) is required in order to accomplish this. An SF-3881, “Automated Clearing House (ACH) form is no longer required.

Deleted:

“Each cooperator must complete an SF-3881, “Automated Clearing House (ACH) Vendor/Miscellaneous Payment Enrollment Form,” to initiate this electronic payment method. This form should be sent to the cooperator at the time the agreement is signed. The form can be accessed on the Internet at: <http://www.nps.gov/hfc/acquisition/pdf/sf-3881.pdf>.”

Added:

“Each cooperator must complete the on-line registration through Central Contractor Registration (CCR) at <http://www.ccr.gov>. A Dun and Bradstreet Data Universal Number (DUNS) number is required to register in CCR.”

B. Page 51, Paragraph 2, Copies of Agreements

Discussion:

Copies of agreements can be accessed by AOC through Procurement Desktop, there is no need to send paper copies.

Deleted:

“Copies of the cooperative agreement and/or task agreement must be sent to the Accounting Operations Center to be filed.”

C. Page 52, Paragraph 3, Receiving Report

Discussion:

A receiving report in PD is required. The form or invoice must reference the receiving report number.

Deleted:

“The form or invoice must be stamped “IDEAS-PD INVOICE.”

Added:

In the third paragraph, second sentence the phrase “reference the receiving report number.” follows must. The sentence now reads, “The form or invoice must reference the receiving report number.”

D. Page 52, Paragraph 5, Advance Payments

Discussion:

The reference to regulatory guidance regarding advance payments has changed.

Deleted:

“See Section 52(a)(2), OMB Circular A-110 and the Common Rule, Financial Reporting (43 CFR 12.81).”

Added:

“See 43 CFR (a)(2), the DOI Implementation of OMB Circular A-110; and 43 CFR 12.81, DOI implementation of OMB Circular A-102, sometimes referred to as “The Common Rule.”

9. Chapter 4, Page 53, New Paragraph 4.6, **Financial Reporting Requirements**

Discussion:

A new Paragraph 4.6, **Financial Reporting Requirements** is added. These requirements were transmitted by the Department July 22, 2003 and are essential to ensure that we maintain financial accountability in the administration of our cooperative agreements. (www.doi.gov/pam/DOIFinReport.html). Paragraphs 4.7 through 4.13 are renumbered.

Added:

“4.6 **Financial Reporting Requirements**

1. **SF-269 or SF-269A, Financial Status Report**

Each Department of the Interior bureau and office cooperative agreement program shall require recipients to use the SF-269, Financial Status Report (Long Form) or SF-269A, Financial Status Report (Short Form) to report the status of funds for all non-construction projects or programs. SF-269, SF 269A, or SF-271, Outlay Report and Request for Reimbursement for Construction Programs are required for construction projects for State and local government recipients. Bureau and Office Directors or their designees (hereafter referred to as “appropriate bureau official,” have the option of not requiring the SF-269 or SF-269A when the SF-270, Request for Advance or Reimbursement or SF-272, Report of Federal Cash Transactions is

determined in writing to provide adequate information to meet short-term program or *interim* financial reporting needs. A copy of the written determination or waiver must be maintained. A final SF-269 or SF-269A shall be required at the completion of the project when the SF-270 is used only for advances.

2. **Accounting Basis**

Using the SF-269 or SF-269A, cooperative agreement recipients will report program outlays and program income on a cash or accrual basis, as prescribed by the contracting officer. If the contracting officer requires accrual information and the recipient's accounting records are not normally kept on the accrual basis, the recipient is not required to convert its accounting system. Rather, they shall develop the necessary accrual information through an analysis of documentation on hand.

3. **Financial Status Reporting Frequency**

The contracting officer is delegated the authority to determine the Financial Status Reporting frequency for each cooperative agreement project or program sponsored by the NPS, considering the size and complexity of the particular project or program.

A Financial Status Report shall not be required more frequently than quarterly or less frequently than annually.

However, if a recipient: (a) has a history of poor performance; (b) is not financially stable; (c) has a management system that does not meet the standards prescribed in the applicable OMB Circular; (d) has not conformed to the terms and conditions of a previous award; or (e) is not otherwise responsible, the contracting officer may impose additional requirements as needed, provided that the applicant or recipient is notified in writing as to the nature of the additional requirements, the reason why the additional requirements are being imposed, the nature of the corrective action needed, the time allowed for completing the corrective actions; and the procedure for requesting reconsideration of the additional requirements imposed.

Any special conditions shall be promptly removed once the conditions that prompted their application have been corrected. The Contracting Officer may require a monthly report from State, local and tribal recipients receiving advances totaling \$1 million or more per year.

A final Financial Status Report shall be required when a cooperative agreement is completed, expires or is terminated.

Cooperative agreement recipients will not be required to submit more than the original and two copies of the Financial Status Report each reporting period.

4. **Financial Status Reporting Due Dates**

When reports are required on a quarterly or semiannual basis, they will be due to the contracting officer 30 calendar days after the reporting period. When required on an annual basis, they will be due 90 calendar days after the cooperative agreement year (i.e., 12 months after the approved effective date of the cooperative agreement and every 12 months thereafter until the expiration date of the cooperative agreement). Final Financial Status Reports will be due 90 calendar days after the expiration or termination of the cooperative agreement.

5. **Recap of Financial Reporting Requirements**

A. **OMB Circular A-110, 43 CFR § 12.952,
Non-Profit and Higher Education**

1. **SF-269 and SF-269A, Financial Status Report**

- (a) Decide which financial reporting form is to be used;
- (b) Decide the frequency of the reports, not to be more frequently than quarterly and no less frequently than annually. Quarterly and semi-annually due 30 days after the reporting period, annual and final due 90 days. Extensions may be approved upon request by the cooperator;
- (c) Contracting Officer advises the recipient if they want accrual information, but recipient does not have to change their accounting system;
- (d) Can waive the 269 or 269A when the SF-270 is used as a reimbursement document and is determined to provide adequate information to meet our needs, EXCEPT that a final 269 or 269A is required at completion of the project when the 270 is used only for advances;
- (e) Can accept information in a computer format; and
- (f) Government can provide certain information to recipient in computer format.

2. **SF-272, Report of Federal Cash Transactions**
 - (a) Required when funds are advanced;
 - (b) Due 15 calendar days following the end of each quarter; and
 - (c) May be waived (1) when monthly advances don't exceed \$25,000 provided that such advances are monitored through other forms; (2) if it is our opinion that the cooperator's accounting controls are adequate to minimize excessive advances; or; (3) when electronic payment mechanisms provide adequate data.

B. **OMB Circular A-102, .43 CFR § 12.81, State and Local**

Federal agencies may waive any report required by this section if not needed [ref. § 12.81(6)]

1. **SF-269 and SF-269A, Financial Status Report**
 - (a) Decide which financial reporting form is to be used;
 - (b) Decide the frequency of the reports, not to be more frequently than quarterly. If not specified, they are due annually. Quarterly and semi-annually due 30 days after the reporting period, annual and final due 90 days;
 - (c) Contracting Officer advises the recipient if they want accrual information, but recipient does not have to change their accounting system;
 - (d) Can accept information in a computer format; and
 - (e) Government can provide certain information to recipient in computer format.
2. **SF-272, Report of Federal Cash Transactions**
 - (a) Required when funds are advanced, unless exempted under the terms of the award; and
 - (b) Due 15 working days following the end of each quarter.

10. Chapter 4, Page 55, Paragraph 4.9, **Postaward Administration**, Number 3

Discussion:

The Records Disposition Schedule to determine the retention period for cooperative agreements is still in the process of being updated. It is a work-in-progress. A new date, phone number, and a website are added.

Added:

The new phone number is (202) 354-1908. The current Records Disposition Schedule is dated May 2003 and is still in the process of being revised. The May 2003 Disposition Schedule can be accessed at: <http://data2int.itc.nps.gov/wapc/records/nps19app-b.pdf>, under NPS-19, Appendix B (Rev. 5-03).

11. Chapter 4, Page 55, Paragraph 4.10, **Reporting Requirements**, Number 1

Discussion:

The requirement for the DI-1961 form is deleted and the new Federal Assistance Award Data Reports (FAADS) is added. NPS leads and coordinators are also identified. Paragraph 4.10 is changed to 4.11.

Added:

1. **Federal Assistance Award Data Reports**

“The Federal Assistance Award Data System (FAADS) is the central source of information on domestic financial assistance programs of the federal government. *Title 31, Section 6102(a)* of the United States Code requires the collection of the FAADS data. The objective of the FAADS program is to provide Congressional and state government officials with comprehensive, timely information about financial assistance awards made to public and private recipients. In addition, information collected in the FAADS is used in the Consolidated Federal Funds Report (*Title 31 U.S. Code, Chapter 62*).

A “Federal Assistance Award Date Report” is required for all cooperative agreements. The FAADS guidance manual can be accessed at: <http://wcp.den.nps.gov/Policy-Program/Agreements/agree.htm>. Individual reports are required to be completed within 10 days after each federal assistance award. Reports are consolidated by the Department and sent to Bureau of the Census 10 days after each quarter.

The report requires a *Catalog of Federal Domestic Assistance (CFDA) number*. Unless your project has been advertised in the *CFDA*, *you* will not have a number. A temporary pseudo code must be assigned in this block for the report to be accepted in this reporting system. Pseudo codes are not published in the *CFDA*. They are included in Attachment 4.13, but are soon to be phased out. All pseudo codes have been assigned with a program description throughout the NPS for projects of the same type.

The NPS FAADS administrative leads, regional coordinators and back-ups are listed in Attachment 4.14. The responsibility for the leads is divided among “the procurement and contracting offices” and “the grants offices” of the NPS. The leads are responsible for maintaining a complete list of users in each region who have access to the system, assigning passwords, performing password administration, providing liaison with the Department and providing input to NPS policies and procedures on FAADS reporting. Each regional coordinator is responsible for keeping a list of users in their region who have access to the system. They also act as the lead for training, user questions, issuance of passwords (in coordination with the lead) and providing input to NPS policies and procedures on FAADS reporting. There is no limit to the number of users in each region or in the system.”

12. Chapter 4, Page 57, Paragraph 4.12, **Cooperative Ecosystem Studies Units**

Discussion:

Information regarding CESUs is updated to provide references for current samples and guidance in this area. Paragraph 4.12 becomes 4.13.

Deleted:

The following sentences are deleted from the fifth and sixth paragraphs of this section.

“Specific NPS guidance will be incorporated into the next revision of this handbook.”

“Attachment 4.6 contains a sample task agreement under an existing cooperative agreement with the Great Basin Ecosystem Studies Unit.”

Added:

The following sentence is added to the fifth paragraph.

“In the interim, each region should check with their CESU Coordinator for samples and further guidance.”

13. Chapter 4, Page 58, Paragraph 4.13, **Challenge Cost Share and Public Land Corps Agreements**

Discussion:

The discussion on Advance Payments is revised to allow the flexibility in these agreements to permit advance payments, when justified. The current phone number for the CCSP is also added. Paragraph 4.13 becomes 4.14.

Added:

The following two sentences are added to Paragraph 4.14.

“When requested, advance payments must be carefully considered and thoroughly justified. See Paragraph 4.5 of this Chapter for the requirements for making advance payments.”

The new phone number for the CCSP Coordinator is (202) 354-6912.

14. Chapter 4, Page 64, Attachment 4.1, Article VI, **Award and Payment**, Paragraph B

Discussion:

This sample clause is revised to require the cooperator to register in the Central Contractor Registration (CCR).

Added:

New Paragraph B.

“In order to ensure proper payment, it is recommended that [cooperator] register with the Central Contractor Registration (CCR), accessed at <http://www.ccr.gov>. Failure to register can impact payments under this Agreement and/or any other financial assistance or procurements documents [cooperator] may have with the federal government.”

Paragraph B and C are renumbered C and D.

15. Chapter 4, Pages 67 and 68, Attachment 4.1, Article XII, **General and Special Provisions**

- A. Page 67, OMB Circular A-102

Discussion:

This clause is updated to include the correct title of OMB Circular A-102.

Deleted:

“Uniform Administrative Requirements for Grants-in-Aid to State Governments.”

Added:

“Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.”

- B. Page 68, New Item (f), *43 CFR Part 12, Subpart D* (Reserved)

Discussion:

An additional regulation is added as item (f).

Added:

“(f) *43 CFR Part 12 Subpart D*, (Reserved).”

- C. Page 68, New Item (g), *43 CFR Part 12, Subpart E*

Discussion:

An additional regulation is added as item (g).

Added:

“(g) *43 CFR Part 12, Subpart E*, Buy American Requirements for Assistance Programs. (43 CFR 12.2(b)).”

- D. Page 68, Number 2, Non-Discrimination

Discussion:

The Non-Discrimination clause is revised to add “as amended” in the first sentence.

Added:

“as amended” is added after Executive Order 11246.

- E. Page 68, Number 3, Lobbying Prohibition

Discussion:

The lobbying prohibition is updated as amended by Public Law 107-273, November 2, 2002.

Deleted:

Lobbying Prohibition - 18 U.S.C. §1913, Lobbying with Appropriated Moneys - No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, “to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.”

Added:

Lobbying Prohibition - 18 U.S.C. §1913, Lobbying with Appropriated Moneys, as amended by *Public Law 107-273*, Nov. 2, 2002. No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, “a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Members or official, at his request, or to Congress or such official, through the proper official channels, requests for legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities. Violations of this section shall constitute violations of section 1352(a) of title 31.”

16. Chapter 4, Page 70, Attachment 4.1, Article XIII, **Attachments**

Discussion:

The introductory phrase is modified to delete the reference to previously specified attachments and delete the SF-3881. All attachments are required to be incorporated in this Article.

Deleted:

The phrases, “In addition to the attachments previously specified in this Agreement”, and “provided by the City” are deleted. Paragraph E. Standard Form 3881 is also deleted.

17. Chapter 4, Page 76, Attachment 4.2, Article VI, **Award and Payment**

A. Paragraph B

Discussion:

Information pertaining to the SF-3881 is deleted. This form is obsolete.

Deleted:

.... “located at the financial institution as designated on Standard Form 3881 (Attachment E of Article XIII).”

B. Paragraph C

Discussion:

A new Paragraph C is added to include a sample clause to require the cooperator to register in the Central Contractor Registration (CCR). The former Paragraph C becomes D.

Added:

“In order to ensure proper payment, it is recommended that [cooperator] register with the Central Contractor Registration (CCR), accessed at <http://www.ccr.gov>. Failure to register can impact payments under this Agreement and/or any other financial assistance or procurements documents [cooperator] may have with the federal government.”

18. Chapter 4, Pages 79 and 80, Attachment 4.2, Article XII, **General and Special Provisions**

A. Page 79, Number 1, Subparagraph (d)

Discussion:

This provision is updated to delete and reserve this provision.

Deleted:

“Government-wide Debarment and Suspension (Non-procurement) and Government wide Requirements for Drug Free Workplace (Grants).”

Added:

“(Reserved)”

B. Page 80, Number 2, Non-Discrimination

Discussion:

The lobbying prohibition is updated. Refer to the deletion and addition as set forth in Number 15, Paragraph D of this Memorandum Number 2.

C. Page 80, Number 3, Lobbying Prohibition

Discussion:

The lobbying prohibition is updated. Refer to the deletion and addition as set forth in Number 15, Paragraph E of this Memorandum Number 2.

19. Chapter 4, Page 82, Attachment 4.2, Article XIII, **Attachments**

Discussion:

The introductory phrase is modified to delete the reference to previously specified attachments and delete the SF-3881. All attachments are required to be incorporated in this Article. Refer to the deletion and addition as set forth in Number 16 of this Memorandum Number 2.

20. Chapter 4, Pages 94 and 95, Attachment 4.4, Article XII, **General and Special Provisions**.

A. Page 94, Number 1, OMB Circulars and Other Regulations, Subparagraph (d)

Discussion:

This provision is updated to delete and reserve this provision. Refer to the deletion as set forth in Number 18, Paragraph A of this Memorandum Number 2.

B. Page 94, Number 2, Non-Discrimination

Discussion:

The Non-Discrimination clause is revised to add “as amended.” Refer to the deletion as set forth in Number 15, Paragraph D of this Memorandum Number 2.

C. Page 95, Number 3, Lobbying Prohibition

Discussion:

The lobbying prohibition is updated. Refer to the deletion and addition as set forth in Number 18, Paragraph D of this Memorandum Number 2.

21. Chapter 4, Page 96, Attachment 4.4, Article XIII, **Attachments**

Discussion:

The introductory phrase is modified to delete the reference to previously specified attachment. All attachments are required to be incorporated into this Article.

Deleted:

“In addition to the attachments previously specified in this Agreement”, and “incorporated by reference and”

22. Chapter 4, Pages 99-104, Attachments 4.6 and 4.7, **Sample CESU Task Agreement** and **Sample CESU Modification**

Discussion:

The Sample CESU Task Agreement and Sample CESU Modification are deleted. They are out of date samples. Attachments 4.6 through 4.15 are renumbered.

Deleted:

Attachment 4.6 and 4.7 are deleted.

23. Chapter 4, Pages 105-107, Attachment 4.8, **General and Special Provisions**

A. Page 105, General Provisions, Number 1, Subparagraph (c)

Discussion:

This clause is updated to include the correct title of OMB Circular A-102. Refer to the deletion and addition as set forth in Number 15, Paragraph A of this Memorandum Number 2.

B. Page 106, General Provisions, Number 2, Subparagraph (d)

Discussion:

This provision is updated to delete and reserve this provision. Refer to the deletion and addition as set forth in Number 18, Paragraph A of this Memorandum Number 2.

C. Page 106, General Provisions, Number 3, Subparagraph (d)

Discussion:

This provision is updated to delete and reserve this provision. Refer to the deletion and addition as set forth in Number 18, Paragraph A of this Memorandum Number 2.

D. Page 107, Number 4, Subparagraph (a), Non-Discrimination

Discussion:

The Non-Discrimination clause is revised to add “as amended.” Refer to the addition as set forth in Number 15, Paragraph D of this Memorandum Number 2.

E. Page 107, Number 4, Subparagraph (b), Lobbying Prohibition

Discussion:

The lobbying prohibition is updated. Refer to the deletion and addition as set forth in Number 15, Paragraph E of this Memorandum Number 2.

24. Chapter 4, Page 122, New Attachment 4.14, **FAADS Leads Regional Coordinators and Back-Ups**

Discussion:

A listing of FAADS Leads, Regional Coordinators and Back-ups are added.

Added:

A new Attachment 4.14 listing FAADS Leads, Regional Coordinators and Back-ups is added.

25. Chapter 4, Page 123, New Attachment 4.15, **Financial Reporting Requirements of OMB Circulars A-110 and A-102**

Discussion:

The Financial Requirements of OMB Circulars A-110 and A-102 are added.

Added:

A new Attachment 4.15 for Financial Reporting Requirements of OMB Circulars A-110 and A-102 is added.

26. Chapter 4, Page 124, DI-1961, Federal Assistance Award Data System Reporting Form

Discussion:

The DI-1961, Federal Assistance Award Data System Reporting Form is obsolete. This reporting is now completed online. See Paragraph 4.11, Reporting Requirements.

27. Chapter 5, Page 161, Paragraph 5.8, **Postaward Administration**, Number 3, Retention Period

Discussion:

The Records Disposition Schedule to determine the retention period for cooperative agreements is still in the process of being updated. It is a work-in-progress. A new date, phone number, and a website are added. Refer to the addition as set forth in Number 10 of this Memorandum Number 2.

28. Chapter 6, Page 180, Paragraph VI, **Expenditure of Funds**

Discussion:

This sample clause was revised to require the cooperator to register in the Central Contractor Registration (CCR). Refer to the clause addition as set forth in Number 14 of this Memorandum Number 2.

29. Chapter 6, Page 182, Attachment 6.1, Paragraph XII, **Standard Clauses**

A. Number 1, Non-Discrimination

Discussion:

The Non-Discrimination clause is revised to add “as amended.” Refer to the addition as set forth in Number 15, Paragraph D of this Memorandum Number 2.

B. Number 2, Lobbying Prohibition

Discussion:

The lobbying prohibition is updated. Refer to the deletion and addition as set forth in Number 15, Paragraph E of this Memorandum Number 2.

30. Chapter 7, Page 184, Paragraph 7.1, **Memorandum of Understanding**, Number 1.

Discussion:

The description of a Memorandum of Understanding is revised to indicate that it may establish an administrative framework for future cooperative agreements.

Deleted:

“does not provide the authority to enter into subsequent cooperative or interagency acquisition agreements, may not commit to future non-competitive contracts, or circumvent any of the procurement laws and regulations. It does not require the signature of a contracting officer.”

Added:

“may establish an administrative framework under which a future cooperative agreement may be entered into, but they must not commit current or future NPS funding, future non-competitive contracts, or circumvent any of the procurement laws and regulations.”

31. Chapter 7, Page 190, Paragraph 7.7, **Postaward Requirements**

Discussion:

The Records Disposition Schedule to determine the retention period for cooperative agreements is still in the process of being updated. It is a work-in-progress. A new date, phone number, and a website are added. Refer to the addition as set forth in Number 10 of this Memorandum Number 2.

32. Chapter 7, Page 199, Attachment 7.1, Article X, **Standard Clauses**, Paragraph A, Civil Rights

Discussion:

The Civil Rights Standard Clause is updated.

Deleted:

“During the performance of this Agreement, the participants will not discriminate against any person because of color, religion, sex, or national origin. The participants will take affirmative action to ensure that applicants are employed without regard to their race, color, religion, sex, or national origin.”

Added:

“During the performance of this Agreement, the participants agree to abide by the terms of U.S. Department of the Interior - Civil Rights Assurance Certification, non-discrimination and will not discriminate against any person because of race, color, religion, sex, or national origin. The participants will take affirmative action to ensure that applicants are employed without regard to their race, color, sexual orientation, national origin, disabilities, religion, age, or sex.”

33. Chapter 7, Page 208, Attachment 7.2, **Sample Agreement**, Article XI, **Standard Clauses**, Paragraph A, Civil Rights

Discussion:

The Civil Rights clause is updated. Refer to the deletion and addition as set forth in Number 32 of this Memorandum Number 2.

34. Chapter 7, Page 211, Attachment 7.3, Article III, **Statement of Work**, Paragraph A, Number 1

Discussion:

The reference to the Policy on Fund Raising and Philanthropy of October 15, 1986 is replaced with reference to Director’s Order Number 21, Donations and Fundraising, dated December 31, 2003.

Deleted:

The reference to “Policy on Fund Raising and Philanthropy of October 15, 1986,” is deleted.

Added:

The reference to “Director’s Order Number 21, Donations and Fundraising, dated December 31, 2003”, is added.

35. Chapter 7, Page 214, Attachment 7.3, **Sample Agreement**, Article VIII, **Liability**, Paragraph C

Discussion:

Paragraph C of the Liability clause is amended to add the word “losses” and Paragraph D is amended to change the word “cooperator” to “partner”.

Added:

Add the word “losses” after the word “damages in the second sentence of Paragraph C and change the word “cooperator” to “partner” in the second sentence of Paragraph D.

36. Chapter 7, Page 215, Attachment 7.3, **Sample Agreement**, Article XII, **Standard Clauses**, Paragraph A, Civil Rights

Discussion:

The Civil Rights clause is updated. Refer to the deletion and addition as set forth in Number 32 of this Memorandum Number 2.

37. Chapter 7, Page 217, Attachment 7.3, **Sample Agreement**, Article XII, **Standard Clauses**

- A. Paragraph D, Non-Discrimination

Discussion:

The Non-Discrimination clause was revised to add “as amended.” Refer to the addition as set forth in Number 15, Paragraph D of this Memorandum Number 2.

- B. Paragraph E, Lobbying Prohibition

Discussion:

The lobbying prohibition is added as a new Paragraph E.. Refer to the deletion and addition as set forth in Number 15, Paragraph E of this Memorandum Number 2. Paragraphs E and F become F and G.

38. Chapter 8, Page 227, **Challenge Cost-Share Program**

Discussion:

A website address is added for the Challenge Cost-Share Program

Added:

“Also refer to <http://www.nps.gov/ccsp/>”

39. Chapter 8, Page 231, Attachment 8.1, Sample Challenge Cost-Share Agreement, Article VI, Paragraph B.

Discussion:

Cooperators must register in CCR and Dun and Bradstreet. A Data Universal Number (DUNS) is required in order to accomplish this. A SF-3881, “Automated Clearing House (ACH) form is no longer required.

Added:

“In order to ensure proper payment, it is recommended that [cooperator] register with the Central Contractor Registration (CCR), accessed at <http://www.ccr.gov>. Failure to register can impact payments under this Agreement and/or any other financial assistance or procurements documents [cooperator] may have with the federal government.”

Deleted:

“as designated on SF-3881, (Attachment E to Article XIII).”

40. Chapter 8, Pages 234 and 235, Attachment 8.1, Article XII, **General Provisions**

A. Page 234, Number 1, Subparagraph (d)

Discussion:

The Provision *43 CFR Part 12, Subpart D* is updated. Refer to the deletion and addition as set forth in Number 18, Paragraph A of this Memorandum Number 2.

B. Page 234, Number 1, Subparagraph (e)

Discussion:

The Provision *43 CFR Part 12, Subpart E*, is updated.

Added:

“(43 CFR 12.2 (b))”

- C. Page 234, Number 2, Non-Discrimination

Discussion:

The Non-Discrimination clause was revised to add “as amended.” Refer to the addition as set forth in Number 15, Paragraph D of this Memorandum Number 2.

- D. Page 235, Number 3, Lobbying Prohibition

Discussion:

The lobbying prohibition is updated. Refer to the deletion and addition as set forth in Number 15, Paragraph E of this Memorandum Number 2.

41. Chapter 8, Page 237, Attachment 8.1, Article XIII, **Attachments**

Discussion:

The SF-3881 is obsolete.

Delete:

“E. Standard Form 3881.”

42. Chapter 9, Page 243, Paragraph 9.9, Number 18

Discussion:

The Records Disposition Schedule to determine the retention period for cooperative agreements is still in the process of being updated. It is a work-in-progress. A new date, phone number, and a website have been added. Refer to the addition as set forth in Number 10 of this Memorandum Number 2.

43. Chapter 9, Pages 243 and 244, Paragraph 9.10, **Program Manager or Key Official**

- A. Page 243, Number 1

Discussion:

Prior to being designated as a key official on a cooperative agreement, a minimum of 24 hours of mandatory cooperative agreement training is required. The date for the completion of the key official training is deleted.

The NPS is no longer planning to develop a training curriculum for this course. This is currently being done by a Governmentwide workgroup. In the interim, there are training courses offered by both Northwest Procurement Institute, Inc. (NPI) and Management Concepts, Inc. (MCI).

Added:

“Prior to being designated as a key official on a cooperative agreement, a minimum of 24 hours of mandatory cooperative agreement training is required.”

Deleted:

“National Park Service key officials must have 24 hours of agreements training on or before October 2004 in order to administer an agreement and”

B. Page 244, Number 6

Discussion:

The location where information on the Federal Assistance Award Data System (FAADS) can be found is added.

Added:

“(See Chapter 4, Paragraph 4.11).”

44. Chapter 9, Page 246, Attachment 9.1, **Appointment as Key Official Memorandum**

Discussion:

A new suggested Appointment as Key Official Memorandum is added.

Added:

New Attachment 9.1.

Deleted:

The former Attachment 9.1.

45. Appendix B, Page 251, Obligating Agreements in Procurement Desktop

Discussion:

The instructions in this Appendix are changed. They now indicate that cooperative agreements can be awarded on either an SF-26 or an OF-347. In order to successfully transition to FBMS, all obligations should be done in the same way. Accordingly, instructions have been changed to indicate that obligation of a “stand-alone” cooperative agreement should be made on an OF-347. Obligation of agreements that will have task agreements issued against them require the use of the SF-26. Subsequent task agreements should be obligated on an OF-347.

45. Appendix E, Page 298, List of Relevant Website Addresses

Discussion:

The website address for the Challenge Cost-Share Program is changed. Refer to the addition in Number 38 of this Memorandum Number 2.

Questions regarding this memorandum can be addressed to Bruce Feirtag of this office, at 303-987-6767.

Heidi M. Ernst, Chief
Washington Contracting and Procurement

Attachments (3)

- Attachment 4.14
- Attachment 4.15
- Attachment 9.1